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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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13 WOLFIRE GAMES, et al.,
14 Plaintiffs,
15 v.
16 VALVE CORP.,
17 Defendant.
18

Case No. Misc. 23-22 AB (MRWx)

**ORDER TRANSFERRING
ACTION TO WESTERN DISTRICT
OF WASHINGTON**

WDWA No. CV 2:21-563 JCC

19 Pursuant to Federal Rule of Civil Procedure 45(f) and based on the
20 consent of the parties, the Court transfers this subpoena quashal action to
21 the Western District of Washington, the site of the underlying civil action
22 in which the subpoena was issued.
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* * *

24 1. The Washington action is a long-running antitrust action
25 against a video game company. In connection with that civil case, the
26 Defendant Valve served a Rule 45 subpoena on a third party, Nexon
27 America, a video game creator that is headquartered in the Central
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1 District of California. The subpoena required Nexon to produce records
2 regarding its business operations and financial performance.

3 2. In February 2023, Nexon commenced this action in the Central
4 District to quash the subpoena. (Docket # 1.) Magistrate Judge Wilner
5 contacted District Judge Coughenour (presiding over the underlying
6 Washington action) to inform him of the pending action in Los Angeles.
7 Judge Wilner also set the matter for a preliminary status conference with
8 the parties. (Docket # 5.)

9 3. At the parties' request, the Court put the status conference
10 over to allow the lawyers to negotiate the terms of compliance with the
11 subpoena. (Docket # 9, 13.) However, by mid-April, the matter was not
12 resolved. As a result, Judge Wilner conducted a hearing regarding the
13 matter on April 24.

14 4. At the April 24 hearing, Nexon and Valve consented to transfer
15 this action to the Western District of Washington for Judge Coughenour's
16 consideration. Fed. R. Civ. P. 45(f). Additionally, because Nexon is
17 currently under a similar subpoena issued by another party in the
18 Washington litigation, Nexon indicated that it may pursue a second
19 quashal motion in that district in the near future.

20 * * *

21 5. Rule 45 states that a motion to quash or to compel compliance
22 with a subpoena to a non-party may be considered in "the district where
23 compliance is required." Fed. R. Civ. P. 45(d)(2)(B)(ii). However, Rule 45(f)
24 permits the transfer of such a motion "if the person subject to the subpoena
25 consents."

26 6. In the present matter, both Nexon (the subpoenaed local party)
27 and Valve (the subpoena-issuing party) consented in open court to transfer
28

1 the quashal action to Judge Coughenour in Seattle. Given Judge
2 Coughenour's familiarity with the action, the existence of a parallel
3 subpoena to Nexon, and other ongoing discovery issues in the antitrust
4 litigation, transfer of the Los Angeles action to Seattle is appropriate.

5 7. The Court therefore directs the Clerk to transfer this action to
6 Judge Coughenour in the Western District of Washington for further
7 proceedings pursuant to Rule 45(f).

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9 IT IS SO ORDERED.

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12 Dated: April 25, 2023



HON. ANDRÉ BIROTTE JR.
UNITED STATES DISTRICT JUDGE

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15 Presented by:



HON. MICHAEL R. WILNER
UNITED STATES MAGISTRATE JUDGE